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ADDSHOPPERS, INC.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

ABBY LINEBERRY and MIGUEL
CORDERO, individually and on behalf of all
others similarly situated,

Plaintiffs,

vs.

ADDSHOPPERS, INC. and PEET'S COFFEE,
INC.,

Defendants.

CASE NO.: 3:23-cv-01996-VC

**DEFENDANT ADDSHOPPERS, INC.'S
RESPONSE TO PLAINTIFFS'
ADMINISTRATIVE MOTION TO
CONSIDER WHETHER ANOTHER
PARTY'S MATERIAL SHOULD BE
SEALED**

I. INTRODUCTION

Pursuant to Civil L.R. 7-11 and 79-5, and the Court’s Civil Standing Order ¶¶ 28-34, Defendant AddShoppers, Inc. (“AddShoppers”) responds to Plaintiff’s Administrative Motion To Consider Whether Another Party’s Material Should Be Sealed (Dkt. No. 209).¹

As they did with their initial moving and reply papers, Plaintiffs recently submitted discovery in support of their supplemental brief that is not cited by any party in connection with the pending motions. Previously, they filed nearly 1,000 pages of deposition transcripts that no party cited. *See* Dkt. Nos. 161 & 182. Now, they have filed AddShoppers’ interrogatory responses that no party cited. *See* Dkt. No. 209-3 (Plaintiffs’ Ex. 52). Plaintiffs’ practice of filing uncited and irrelevant discovery is improper and appears designed to harass AddShoppers.

Accordingly, AddShoppers respectfully requests the Court keep under seal AddShoppers’ uncited interrogatory responses² until and unless they become pertinent to an issue before the Court.³ AddShoppers further requests the Court admonition Plaintiffs to take steps to avoid filing uncited deposition testimony and discovery responses going forward, especially when the testimony and responses have been marked “confidential.”

II. LEGAL STANDARD

Motions to seal documents relating to class certification are subject to the “compelling reasons” standard. *Adtrader, Inc. v. Google LLC*, 2020 U.S. Dist. LEXIS 206823, *4-5 (N.D. Cal. 2020) (citing *Ctr. For Auto Safety v. Chrysler Grp., LLC*, 809 F. 3d 1092, 1101-02 (9th Cir. 2016) and collecting cases). Under this standard, a record may be sealed when it “might be used to ‘gratify private spite or promote public scandal,’” *Ctr. For Auto Safety*, 809 F. 3d at 1097 (quoting *Nixon v. Warner Commnc’ns Inc.*, 435 U.S. 589, 598-99 (1978)).

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¹ AddShoppers incorporates by reference its Responses to Plaintiffs’ prior Administrative Motions to Consider Whether Another Party’s Material Should Be Sealed, along with the supporting declarations and exhibits. (Dkt. Nos. 161 & 182.)

² Specifically, interrogatory responses numbers 16 and 18.

³ At the Court’s direction, AddShoppers will file a redacted version of the interrogatory responses.

1 **III. ARGUMENT**

2 **A. Uncited Interrogatory Responses Should Remain Under Seal**

3 In their supplemental brief, Plaintiffs cite to AddShoppers' interrogatory responses 17
4 and 19. *See* Dkt. No. 208 at fns. 2 & 3. Yet, having cited just two responses, they inexplicably
5 filed AddShoppers' responses to Plaintiffs' entire second set of interrogatories. *See* Dkt. No.
6 209-3 (Plaintiffs' Ex. 52). These uncited responses – which include compensation amounts
7 AddShoppers received from one of its clients – are not cited or otherwise referenced in
8 Plaintiffs' supplemental brief. Indeed, they have no relevance to the question of class
9 certification (or any other issue pending before the Court).

10 The strong presumption of access to court records is “based on the need for federal courts
11 ... to have a measure of accountability and for the public to have confidence in the
12 administration of justice.” *Ctr. For Auto Safety*, 809 F. 3d at 1096 (quoting *United States v.*
13 *Amodeo (Amodeo II)*, 71 F. 3d 1044, 1048 (2d Cir. 1995)). In short, open records ensure the
14 public can review the evidence that courts rely on in making their decisions. But that noble
15 purpose is not present here where none of the parties rely upon or cite the evidence in question.
16 As a rule, materials that are uncovered during pretrial discovery and not admitted into evidence
17 are ordinarily not within the scope of public access. *See Seattle Times Co. v. Rhinehart*, 467 US
18 20, 33 (1984) (pretrial depositions and interrogatories “are not public components of a civil
19 trial”); *SEC v. TheStreet.Com*, 273 F. 3d 222, 229 (2nd Cir. 2001) (deposition testimony not a
20 “judicial document” open to the public).

21 Here, the uncited interrogatory responses are extraneous to the Court's determination of
22 the underlying issue—namely, Plaintiffs' motion for class certification—and thus not entitled to
23 the presumption of public access. *See AV Builder Corp. v. Houston Cas. Co.*, 2022 U.S. Dist.
24 LEXIS 108378, *15-18 (S.D. Cal. Mar. 22, 2022) (sealing documents “not necessary for the
25 resolution of the [summary judgment] motions and [] not relied upon by the court”).
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1 Accordingly, AddShoppers requests the Court keep its uncited interrogatory responses
2 under seal.⁴

3 **IV. CONCLUSION**

4 For these reasons, AddShoppers requests the Court grant its request to seal and enter the
5 Proposed Order filed contemporaneously herewith.

6 Respectfully submitted,

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8 DATED: April 25, 2025

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10 By: s/ R. Travis Campbell
11 R. Travis Campbell
12 Attorneys for Defendant AddShoppers, Inc.
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⁴ AddShoppers makes this request without prejudice to the Court unsealing the responses if they become relevant in future proceedings in this case.